

DATE OF MEETING | September 17, 2018 |

AUTHORED BY | DAVID STEWART, PLANNER, CURRENT PLANNING AND
SUBDIVISION |

SUBJECT | LIQUOR LICENCE APPLICATION NO. LA000134 – 1630 EAST
WELLINGTON ROAD – ROYAL CANADIAN LEGION, BRANCH 256 |

OVERVIEW

Purpose of Report

To present Council with a liquor license application to convert an existing liquor primary club licence to a liquor primary licence.

Recommendation

That Council:

1. waive the requirement for a Public Meeting for Liquor Licence Application No. LA134 at 1630 East Wellington Road; and
2. recommend that the Liquor and Cannabis Regulation Branch approve the application to convert an existing liquor primary club license to a liquor primary licence for the Royal Canadian Legion, Branch 256, located at 1630 East Wellington Road.

BACKGROUND

A Notice of Application was received from the Royal Canadian Legion Branch 256 requesting a local government resolution in support of their application to the Provincial Liquor and Cannabis Regulation Branch (LCRB) to transition from a club licence to liquor primary licence. A club licence is a sub-class of the liquor primary licence with terms and conditions regarding membership. By transferring to a liquor primary licence, liquor service will be available to the general public, as opposed to legion members and their guests only. The Legion's hours of service are from 12:00 noon to 1:00 a.m., and the licensed capacity is 430 persons with a 50-person patio. The patio area is not included within the occupant load calculation. The hours of service and licensed capacity will remain unchanged if the application is approved.

A municipal resolution is required before the Province will consider the application further. The City of Nanaimo does not yet have a policy for the review of an application to transition from a liquor primary club licence to a liquor primary licence. Typically, the City requires all new liquor licence applications include a public meeting during the Public Hearing (Special Council Meeting); however, as the applicants already have a liquor licence and the capacity and hours of service are not proposed to change, Staff are recommending the public meeting requirement be waived for this application.

DISCUSSION

In order to allow the Legion to serve members of the public and attract more members, the applicant is proposing to replace the Legion's existing liquor primary club licence with a liquor

primary licence. The Royal Canadian Legion was founded by veterans and continues to provide services to veterans, including serving military and RCMP members and their families, promotes remembrance, and serves the community. In order for the Legion to continue to provide services, they are looking to increase their profile within the community and welcome the community at large. The applicants intended to remain a member-driven organization and will encourage membership by offering discounted prices to members.

Provincial and Municipal Application Review Requirements

A local government resolution is required before the LCRB will consider the application further. The LCRB has requested that the local government comment on the following criteria:

1. The location of the liquor primary establishment

The subject property is located on the northeast corner of Bowen Road and East Wellington Road with dual frontage on Townsite Road. The property and surrounding properties are zoned Community Corridor (COR3); a neighbourhood pub is a permitted use within the COR3 zone.

The property is located within a mixed-use area, which includes recently developed medium- to high-density residential development (Summerhill) on the opposite side of Townsite Road. The subject property borders, but is not included within, the boundaries of the Hospital Area Plan and Neighbourhood Association.

Given the licensed capacity of the establishment is not changing, no additional parking will be required.

2. The proximity of the lounge to other social or recreational facilities

The subject property is located on the opposite side of East Wellington Road from Ecole Quaterway Elementary School. The historic Chinese Cemetery is located approximately 183m from the subject property; Bowen park is approximately 750m to the south of the property. No other liquor primary licences exist within the immediate area.

Given the use will remain a legion and the hours and capacity will not increase, Staff do not anticipate the proposed licence change will negatively impact the school or other social or recreational facilities.

3. The person capacity and hours of service of the liquor primary

The Legion's hours of service are from 12:00 noon to 1:00 a.m., and the licensed capacity is 430 persons. The hours of service and licensed capacity will remain unchanged if the application is approved. The hours of service are consistent with Council's late night hours of service policy.

4. The impact of noise on the community in the immediate vicinity of the lounge

During the public consultation process, some residents expressed concerns related to potential increased noise if the application is approved. Specifically, residents were concerned about the late night hours of service and potential for increased patronage. While it is understandable to assume the change of licence type to allow the public to attend the Legion may lead more patrons attending the legion, the licensed capacity of the Legion will remain unchanged. As the hours of service will also remain unchanged,

Staff anticipate the proposed change will not result in increased late night noise from the establishment.

5. The impact on the community if the application is approved.

As part of any liquor licence application, Council is asked to weigh the social and economic benefit of extended entertainment opportunities against concerns related to potential liquor-related noise and disorder. If the application is approved, the impact is expected to be positive in that it will support the Legion and their continued service to veterans and active service members and allow members of the public to access the Legion. The Legion hopes that by allowing the public into the legion, they can attract future members to assist with their charitable events.

The RCMP and City of Nanaimo Bylaw Department do not object to the application.

Public Consultation

A notice and comment sheet was delivered to all residents, businesses, and property owners within 100m of the subject property. Please note the notice incorrectly stated the licensed capacity as 399 persons. The LCRB has since confirmed the capacity is 430 persons. The licensed capacity will remain unchanged. As Staff are requesting Council waive the public meeting requirement of the application, details of tonight's Council meeting were included on the notice and comment sheets.

Those who received notices were encouraged to provide comments by email or by returning the comment sheets delivered. A total of 11 were received, within 8 in support of the application and 3 opposed. Those opposed to the application cited concerns related to the hours of liquor service and potential for noise or increased traffic.

SUMMARY POINTS

- The application, if approved, will convert an existing liquor primary club licence to a liquor primary licence in order to allow liquor service to be available to the general public.
- As the applicant has an existing liquor licence, Staff are recommending Council waive the public meeting typically required for a new liquor primary licence application.
- Given the existing hours of liquor service and licensed capacity will remain unchanged and the establishment will continue to operate as a Legion, Staff do not anticipate the proposed licence change will negatively affect the surrounding community.

ATTACHMENTS

ATTACHMENT A: Location Plan
ATTACHMENT B: Applicant's Letter of Rationale
ATTACHMENT C: RCMP Response
ATTACHMENT D: Public Comment Sheets |

Submitted by:

L. Rowett
Manager, Current Planning and Subdivision

Concurrence by:

D. Lindsay
Director, Community Development